

REMARKS

Summary

Claims 1-2, 4-17, 19-25, 27-27 and 39-48 stand in this application. Claims 3, 18, 26 and 38 have been canceled without prejudice. Claims 49-52 were previously withdrawn. Claims 1, 2, 4-6, 8-11, 13, 19, 22, 25, 27-31, 34, 39 and 42 have been amended. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested.

Although Applicant disagrees with the broad grounds of rejection set forth in the Office Action, Applicant has amended claims 1, 2, 4-6, 8-11, 13, 19, 22, 25, 27-31, 34, 39 and 42 in order to facilitate prosecution on the merits.

Allowable Subject Matter

We would like to thank the Examiner for indicating the allowability of claims 38-48 if rewritten in independent form including all of the limitations of the base claim and any intervening claims and claims 18-24 if rewritten to overcome the rejections under 35 U.S.C. § 112 set forth in the Office Action. Applicant respectfully submits that appropriate amendments have been made to the independent claims, incorporating subject matter from the identified allowable dependent claims, to place all of the pending claims in condition for allowance. Consequently, a timely notice of allowance to that effect is respectfully requested.

Drawing Objections

The drawings stand objected to as being informal. Applicant respectfully traverses this objection and submits that the drawings in their current form are sufficient to satisfy the requirements for drawings set out in the MPEP. Withdrawal of the objection to the drawings is, therefore, respectfully requested.

Claim Objections

Claims 10-12, 19-21, 31-33 and 35-37 stand objected to under 37 C.F.R. § 1.75(a) for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant submits that appropriate amendments have been made to the identified claims and withdrawal of the claim objections is respectfully requested.

Claim Rejections – 35 U.S.C. § 112

Claims 1-24 and 34 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicant respectfully traverses this rejection. Applicant submits that appropriate amendments have been made to claims 1 and 10 and withdrawal of the § 112 rejection with respect to these claims is respectfully requested.

With respect to claims 13 and 34, Applicant respectfully disagrees with the assertion in the office action that the currently recited limitations are unclear or vague. As illustrated in at least FIGS. 5, 7 and 9 and the accompanying text of the specification, the facing edges forming the jaw open area may have varying distance between them at varying points on the length of the jaw open area. Therefore, Applicant submits that claims 13 and 34 are clear as currently recited and withdrawal of the § 112 rejection with respect to these claims is respectfully requested.

Claim Rejections - 35 U.S.C. § 102

Claims 1-15, 17 and 25-34 stand rejected under 35 U.S.C. § 102(a) as being anticipated by United States Patent No. 7,084,766 to Sayegh et al. ("Sayegh"). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the anticipation rejection.

Applicant respectfully submits, as recited above, that amendments have been made to independent claims 1 and 25 to place these claims, and all claims depending directly or indirectly therefrom, in condition for allowance. More particularly, Applicant submits that claim 1 has been amended to recite the following, in relevant part:

A security tag, comprising
a tag housing;
a tack body;
a linear clamp disposed within said tag housing, the
linear clamp including a spring arm to bias the linear clamp
against one or more abutments, the linear clamp further
including a slot with a slot length to retain said tack body,
the linear clamp to move in a substantially linear direction
along said slot length in response to a force to release said
tack body from said slot, the linear clamp further including
a tack retaining body to retain said tack body, wherein said
tack retaining body comprises a first jaw and a second jaw,
with each jaw terminating in spaced facing edges, said
spaced facing edges forming said slot and a jaw open area
in said clamp body; and
a bridge across said jaw open area.

Applicant respectfully submits that the above recited language of amended independent claim 1 defines over Sayegh. More particularly, Applicants submits that, among other things, Sayegh fails to teach at least a bridge across the jaw open area as recited in amended independent claim 1.

Applicant respectfully submits that claim 1 is not anticipated and is patentable over Sayegh. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claim 1. Furthermore, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claims 2, 4-15 and 17 that depend from claim 1, and therefore contain additional features that further distinguish these claims from Sayegh.

Furthermore, claim 25 has been amended to recite features similar to those recited in claim 1. Therefore, Applicant respectfully submits that claim 25 is not anticipated and is patentable over Sayegh for reasons analogous to those presented with respect to claim 1. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claim 25. Furthermore, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claims 26-34 that depend from claim 25, and therefore contain additional features that further distinguish these claims from Sayegh.

Claim Rejections - 35 U.S.C. § 103

Claims 16 and 35-37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 7,084,766 to Sayegh et al. (“Sayegh”). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the obviousness rejection.

Applicant respectfully submits, as recited above, that Sayegh fails to disclose each and every element recited in amended independent claims 1 and 25. Furthermore, Applicant respectfully submits that claims 16 and 35-37 depend from claims 1 and 25 respectively, and therefore contain additional features that further distinguish these claims from the cited reference. Therefore, Applicant respectfully requests withdrawal of the obviousness rejection with respect to these dependent claims on the basis of their dependency as well as on their own merits.

Conclusion

It is believed that claims 1-2, 4-17, 19-25, 27-27 and 39-48 are in condition for allowance. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

Applicants do not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the limitations of the independent claims and dependent claims discussed above. Accordingly, Applicants hereby reserve the right to make additional arguments as may be necessary to further distinguish the claims from the cited references, taken alone or in combination, based on additional features contained in the independent or dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

The Examiner is invited to contact the undersigned to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to the credit card in the previously filed credit card authorization form.

Respectfully submitted,
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John F. Kacvinsky, Reg. No. 40,040
Under 37 CFR 1.34(a)

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